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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,436	01/18/2002	Steven Spicer	T8466295US	4258
26912 7590 08/04/2008 GOWLING LAFLEUR HENDERSON LLP SUITE 1600, 1 FIRST CANADIAN PLACE 100 KING STREET WEST TORONTO, ON M5X 1G5 CANADA				
EXAMINER				
MISFIN, YEMANE				
ART UNIT		PAPER NUMBER		
2144				
MAIL DATE		DELIVERY MODE		
08/04/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/926,436

Applicant(s)

SPICER ET AL.

Examiner

Yemane Mesfin

Art Unit

2144

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-14 and 16-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-14 and 16-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/03/2008 has been entered. Claims 1-8, 10-14 and 16-21 are now pending in this application.

Double Patenting

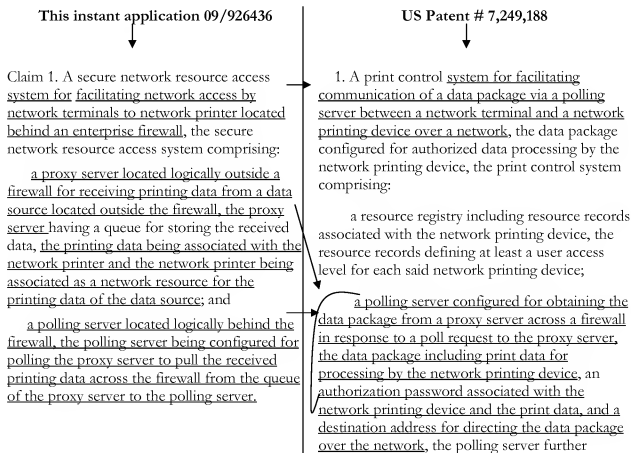
2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-8, 10-14 and 16-21 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-22 of U.S. Patent No. 7,249,188. Although the conflicting claims are not identical, they are not patentably distinct from each other because the only difference is wording variations and omission of the undesired limitation(s), which would have

been obvious to one of ordinary skill in the art at the time the invention was made to omit such undesired feature since it has been held that omission of an element and its function in a combination where the remaining elements perform the same functions as before involving only routine skill in the art. *In re Karlson*, 136 USPQ 184. The claimed limitations are already covered by the patent claims. Both, the claimed invention in this instant application and the already patent claims call for a system and method of communicating a print job over a network via a firewall protected print network/server. In doing so, both pending claims and the already patented claims call for a proxy server logically deployed outside of a firewall and polling server logically deployed behind a firewall, the polling server polling print job received at the proxy server (see mapping of independent claims below).



3. A method for facilitating secure network access by network terminals to network resources located behind an enterprise firewall, the method comprising the steps of:

storing received printing data in a queue of a proxy server, the received printing data from a data source located outside the firewall and being associated with the network printer and the network printer being associated as a network resource for the printing data of the data source; and

polling the proxy server located logically outside the, the polling being to determine a status of the queue and to pull across the firewall any received printing data from the queue of the proxy server to the polling server,

2. wherein the network printer includes an alias

including an input interface for receiving the data package, an extraction module for extracting the destination address from the data package, and an output interface for communicating at least the print data and the authorization password to the destination address such that the authorization password is configured for controlling access to the print data by the printing device; and an administration server in communication with the resource registry for providing controlled access to the resource records.

14. A method for facilitating communication of a data package via a polling server between a network terminal and a network printing device over a network, the data package configured for authorized data processing by the network printing device, the method comprising the acts of:

providing controlled access to resource records of a resource registry in communication with an administration server; defining at least a user access level for each said network printing device in at least one of the resource records of the resource registry;

sending a poll request to a proxy server across a firewall; receiving the data package in response to the poll request, the data package including print data for processing by the network printing device, an authorization password associated with the network printing device and the print data, and a destination address for directing the data package over the network, the authorization password for allowing access of the print data by the network printing device; extracting the destination address from the data package; and communicating at least the print data and the authorization password to the extracted destination address.

3. The system according to claim 2, wherein the

name, the received printing data includes the alias name of the network printer, and the polling server is configured to direct the received printing data to the network printer in accordance with the alias name.

destination address includes a pseudo-name for identifying a group of the network printing devices to facilitate communication between the network terminal and the group of the network printing devices.

Claims 1 and 3 are substantially covered by the patent claims 1 and 14. However, the patent claims do not explicitly recite that the proxy server having a queue for storing the received data. However, it should be noted that a typical operation of polling by definition is a routine that is periodically performed by a polling device, by periodically checking another device to see if there is any new data/information the device likes or is ready to transmit. Having that said, the patent claim clearly recites "polling server configured for obtaining the data package from a proxy server across a firewall in response to a poll request to the proxy server", therefore, the data package would have to be implicitly queued/buffered at the polled device (in this case the proxy server). Thus, the claimed limitations are already covered by the scope of patent claims, thus rejected under obviousness-type double patenting rejection.

Claims 2, 4, and 5 call for an alias name of a printer and the received printing data including the alias name of the printer and using the alias name for forwarding the printing request, which are covered by the patent claim 3, reciting a pseudo-name for identifying a group of the network printing devices to facilitate communication between the network terminal and the group of the network printing devices. Furthermore, it should be noted that it was commonly known and widely implemented in the art to use alias name of a device when accessing a network resource [For instance see Sudama et al., Patent # 5,483,652, Column 1, Lines 62-67, ("...the alias name would be translated by the application client system into the required file name and location information,

relieving the user of the burden of having to remember all the specifics of addressing required to access each resource ")]. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to take the readily available concept of alias name (as evidenced by Sudama) and have modified the claimed invention with a motivation to relieving the user of the burden of having to remember all the specifics of addressing required to access each resource (see Sudama Column 1, Lines 62-67).

Claims 6 and 12 calls for an enterprise server for obtaining the received print job from the polling server and distributing the print job to the network printer, which is covered by the patent claim 1 reciting a network printing device (i.e., the print network server) in communication with the polling server for directing the printing data to the printing devices.

Claims 7 and 13 call for the alias name uniquely identifying a physical location of the printer, which is covered by the patent claim 3 and the rationale disclosed above in claims 2, 4 and 5. As shown above in the exemplary use of an alias name of a printer above (Sudama et al., Patent # 5,483,652), alias name does identify physical location information of a printing device. Thus, claim 7 is rejected with the same rationale set forth in claims 2, 4 and 5 above.

Claims 8 and 14 call for a data source being a network terminal configured for communication with the network resource, which is covered by the patent claim 14 disclosed above.

Claims 10 and 16 recite the printing data being selected from the group comprising: text; image; and multimedia data. This limitation is within the scope of the already recited already patent claims, because the patent claims are in fact dealing with print data, which is implicitly or inherently text or image format.

Claims 17 calls for the received printing data being in a format suitable for processing by the network printer, which is commonly known and widely implemented in the art of printing; and

already within the scope of the patent claim 1, which deals with polling of a printing data across a firewall from the proxy server, which spools the print job.

As per claims 18 and 19 recites facilitating a secure access to a plurality of network printers, which is covered by the patent claim 14 disclosed above showing controlled access to print resources across a firewall via authorization/authentication process.

As per claims 20 and 21, the network printer being associated with a user of a source data, which is already covered by the patent claims 1 and 14, dealing with authorization/authentication process of the user terminal for accessing the print resource as recited in both claims 1 and 14.

This is obviousness-type double patenting rejection.

Response to Arguments

3. Applicant's arguments (see Remarks on Page 5, ¶3 through Page 9, ¶2), filed 06/03/2008, with respect to Claims 1 and 3 and the rejection under 35 U.S.C. 103(a) have been fully considered and are persuasive. The art rejection has been withdrawn accordingly.
4. However, all claims are rejected under an obvious type double patenting rejection as addressed above.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yemane Mesfin whose telephone number is (571) 272-3927. The examiner can normally be reached on 9:00 AM - 6:00 PM Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Yemane Mesfin/
Examiner, Art Unit 2144